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October 18, 2022

VIA CMECF
Honorable Katherine Polk Failla
Thurgood Marshall -United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Altamirano v. Gilbane et al.
Docket No.: 22-cv-05574
Our File No.: 10970

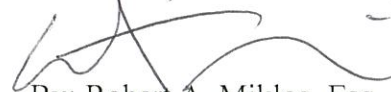
Dear Honorable Justice Failla:

This office represents the Plaintiffs, CARLOS ALTAMIRANO and ERICA RODAS, in the above referenced matter. Plaintiff is requesting the Court dismiss this action in its entirety without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). I have conferred with defense counsel, and they are unable to stipulate to a dismissal. Our plan following dismissal will be to re-file in State Supreme Court Bronx County with the City of New York as a party defendant.

Alternatively, if the Court requires a formal motion for dismissal, Plaintiff requests leave to file the motion.

In light of the foregoing, Plaintiff is also requesting an adjournment without a date of the upcoming conference on October 25, 2022 with the Court.

Very truly yours,
Silberstein, Awad & Miklos, P.C.


By: Robert A. Miklos, Esq.

Cc: All Parties Via CMECF



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By Appointment Only

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The Court is in receipt of Plaintiffs' above letter. At this time, the Court does not believe that dismissal of this action is appropriate. Plaintiffs are invited to discuss why dismissal is appropriate at the initial pretrial conference.

However, in light of a scheduling conflict, the initial pretrial conference in this case currently scheduled for October 25, 2022, is hereby **ADJOURNED to November 1, 2022, at 3:30 p.m.**

Dated: October 19, 2022
 New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE